

Minutes of a Regular Meeting of the City Council

Austin, Sept. 5, 1857.

- (Roll)* Hon. J. W. Robertson, Mayor, presiding.
 Roll Call. Present, Aldermen Alexander,
 Anderson, Campbell, Fisher, Graham, Jones,
 Dell, Plat, Phillips, Schneider, Townsend,
 Walker, Weller, Wortham - 14.
 Absent - Aldermen Brush, Caldwell,
 Cummings, Metz, Schuber, Warren - 6.
(Call.) Minutes. A typographical error, or omission in the
 minutes of the last meeting of the Council, was
 corrected and the minutes were adopted.
 The Correction consists of the addition of
 words to the amendment offered by the Street
 Committee to the "ordinance providing for
 a supply of water, gas and electricity to
 the City of Austin, Travis County, Texas,
 and authorizing Sylvester Watts and his assigns
 to construct, maintain and operate water, gas
 and electric works," after the words "successors
 and assigns" as follows: "are granted upon the
 condition and agreement and upon the consideration
 that Sylvester Watts and his associates,
 successors and assigns."

Holley St. Alderman Jones presented a petition
 from citizens, requesting that the street
 known on the map of the city as Holley
 be properly opened, from the intersection
 of Waller Street to the intersection of Comal
 Street. The petition was referred to the
 Street Committee and City Engineer.

Gutters. Alderman Plat submitted a petition
 from citizens asking that the gutters on
 the north side of Pecan street be repaired,
 and the street improved, for the benefit of
 travel and as a sanitary measure.
 Referred to the Street Committee.

"312" A petition from citizens, requesting that the
 Mayor do not permit house No. 312, Colorado Street
 to be rented to women of ill fame was
 presented, and referred to the police

Committee.

Marshals
report.Officers Reports for the month of
August 31, 1887:

Marshals Report.

Total amount of fines and costs assessed	\$754.90
Amount Collected in Cash	\$228.65
Worked out	262.20
Carried over, escaped and appealed	164.05
	754.90

Back fines, etc., Collected, \$61.15

Referred to Police Committee.

Physicians
report.

Report of City Physician.

Number of patients in hospital Aug. 1.	3
" " admitted to " in "	10
" " discharged during "	5
" " deaths " "	1
" " patients remaining in Hospital Sept 1	7
" " visits made during August	121
" prescriptions written in "	149

Health of City remarkably good.

One case of Scarlet Fever reported.

Sextons
report.

Report of Sexton.

Total number of deaths	16
White	8
Colored	8
Male	8
Female	8

Clerk's Report.

Clarks
report.Total amount of warrants issued during
August \$9,032.16

City Atty.

The City attorney presented a request to
the Council, asking that an attorney be
appointed to represent the City in the suit
brought by Miss Mand Shelley for
damages, she being his niece. No action
was taken on the subject.Fines of
Marshals
andThe Mayor, on the recommendation of
the City Marshal and others, asked the consent
of the Council to the remission of fines
and costs assessed in the recorder's court

Boyles against O. V. J. Martin and J. L. Boyles for Intoxication.

In relation, the Council consented to the revision.

Ald. Cummings Alderman Cummings came in.

Veto. The Mayor returned to the Council, without his approval, a resolution "authorizing the City assessor and Collector to take credit for the sum of \$7.50, that amount being an erroneous assessment on Mrs. C. P. H.

Baycats taxes for the year 1886," accompanying which was a lengthy Veto of the resolution.

The Veto reviews at length the mode of assessing and collecting the City's taxes, as fixed by the Charter and Ordinances of the City, and in substance says that the rate of taxation is fixed in accordance with the Charter of the City, and the owner or agent of property renders it for taxation, and such assessment is presented to the Board of Appraisement and Equalization for revision and correction, and all complaints from property owners relative to excessive valuation are heard and disposed of by the board and the assessment then passes from their hands to the Mayor, who is required to prepare the rolls and receipts. From the hands of the Mayor the rolls pass finally to the assessor and Collector, who is charged with the aggregate sum appearing to be due therein. The assessor and Collector is then required to collect the taxes according to the rolls delivered to him.

"Questions arising on the assessment rolls reads the Veto," pass beyond the power and jurisdiction of the Mayor and city Council when they are finally delivered to the City Collector. The City Council has no power, by ordinance or otherwise to change an assessment or to remit a tax, or to authorize the assessor and collector to remit it. No such power can be found in the Charter, nor can it be found in any general law of this State. It would

be a dangerous exercise of power, and would tend to favoritism and to the abuse of the principle of equality on which taxation rests; and for this and other patent reasons the legislature in creating municipal corporations, I. has almost invariably guarded the powers of the City Council in all matters pertaining to taxation". It appears in this case that the property was assessed by the owner, by her agent, about five months before the Board of Appraisal and Equalization closed the assessment rolls. "It is claimed that a mistake of \$600 was made in the valuation of improvements. The agent made oath to that valuation, and the owner has not denied his authority as agent. I have heard no evidence tending to show that there was any fraud or mistake by any officer of the City in taking this assessment". The Veto concludes as follows: "I cannot give my consent to the passage of this resolution. I must enter my protest against its passage, and to that end I return the resolution without my approval, and with these my objections thereto that the same may be reconsidered and such action thereon taken as to you shall seem proper.

"I am, Very Truly, your obedient
servant,

"J.W. Robertson,
Mayor:

Ald. Caldwell. Alderman Caldwell came in.

Veto. A motion was then made to reconsider the vote by which the resolution was passed. The motion prevailed, after which Alderman Phillips moved "Shall the resolution pass notwithstanding the Veto of the mayor?" The motion was decided in the negative by the following vote: "Nays - Alderman Walker and Wellmer.

Nays - Aldermen Alexander, Anderson, Caldwell, Campbell, Cummings, Fisher, Graham, Jones,

Odell, P. Latt, Phillips, Schneider,
Townsend, Wetham - 14.

Marshals (Sher. police) Committee reported on the City
June & July marshals reports for the months of June and
reports. July, and it talod they had examined them
and found them ~~all~~ root.

Void Ord.
The Ordinance Committee submitted a
report on the Communication from the City
attorney, stating, that certain Ordinances of
the City had been declared void by the
County Judge for non-conformity with the
State laws, and submitted an Ordinance
covering the alleged errors.

No action was taken on the report
(or Ordinance).

A. W. & P. C. An Ordinance granting to the Austin Water,
Light and Power Company, its associates,
successors and assigns, the right to erect
poles and wires for the purpose of constructing
and operating a system of electric light and
motive power in the City of Austin, was taken
up on its second reading and read after which
Alderman Graham moved to reconsider the vote
by which the amendment offered by the Street
Committee, to this Ordinance, was adopted
Carried.

" Alderman Fisher then moved to postpone
water water the Ordinance until the next meeting of the Council,
and also an Ordinance providing for a supply
of Water, gas and electricity to the City of Austin,
Travis County, Texas, and authorizing Sylvester
Watts and his assigns to construct, maintain
and operate Water, gas and electric works. Adopted.

Renting bawdy houses. An Ordinance punishing persons for renting
houses to be used as houses of public
prostitution within certain limits in the City
of Austin, was taken up on its second
reading and read, after which Alderman
Schneider moved to amend Section 1, by inserting
after "Colorado" Street " and west of Guadalupe Street
Alderman Odell offered as a substitute for the
motion made by Alderman Schneider, that it be

unlawful to rent a house anywhere within the City to be used as a house of public prostitution. The Substitute was rejected, by the following vote:
Yea - Ald. Alexander, Campbell, Fisher, Odell, Platt,
Schneider, Wellmer - 7.

Nays - Ald. Anderson, Caldwell, Cummings,
Graham, Jones, Phillips, Townsend, Walker,
Wertham - 9.

The motion made by Alderman Schneider
was then adopted.

C. J. Gross. Alderman Caldwell moved to invite Col.
DeBress, who was present, to a seat
inside the bar of the Council. Carried.

Bawdy house Alderman Anderson then moved to
amend the last named Ordinance the
words "Or She", in Section 1, so as to
make the ordinance apply to females as well
as males.

The amendment was adopted, after which
a motion was made to suspend the rules
and place the ordinance on its third
reading, which was rejected by the following
vote:

Yea - Ald. Alexander, Anderson,
Campbell, Cummings, Fisher, Graham,
Jones, Odell, Phillips, Townsend, Walker,
Wertham - 12.

Nays Aldermen Caldwell, Platt, Schneider,
Wellmer - 4.

adjourned On motion, the Council then adjourned
Milton Morris
City Clerk.